

REMARKS

Status of the Claims

Claims 1- 7 and 9-12 are pending with Claim 1 being independent. Claim 16 has been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1 and 9-11 have been amended. Support for the claim changes can be found in the original disclosure, and therefore no new matter has been added.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Interview Summary

Applicant gratefully acknowledges the telephone conversation conducted between the undersigned and the Examiner and his supervisor on April 10, 2008. In that interview, Applicant proposed amending Claim 1 as has been done here to overcome the rejections. The Examiners tentatively agreed that such amendments would overcome the rejections, though they reserved the right to consider the matter further after receiving the formal amendment. In addition, they indicated that the Examiner would conduct an additional search and that any allowance would be contingent upon the results of that additional search.

Formal Claim Rejection

Claims 1-7 and 9-12 are rejected under 35 U.S.C. § 112, first paragraph, because of the inclusion of the recitation that the first and second mirrors move independently of each other. In response, while not conceding the propriety of the rejection, this phrase has been deleted from Claim 1, thereby obviating the rejection. Applicant submits that as amended, Claim 1 now even more clearly satisfies 35 U.S.C. § 112, second paragraph.

Substantive Claim Rejections

Claim 16 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0044174 to Endo (U.S. Patent Publication No. 2003/0044174). Claims 1-3, 6, 7 and 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0044174 to Endo in view of U.S. Patent No. 6,183,142 to Sakamoto. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo in view of Sakamoto and U.S. Patent No. 5,489,965 to Mukai. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo in view of Sakamoto and U.S. Patent Publication No. 2002/0075394 to Fuchimukai.

In response, while not conceding the propriety of the rejections, independent Claim 1 has been amended and independent Claim 16 has been canceled without prejudice. Applicant submits that as amended, Claim 1 is allowable for the following reasons.

Independent Claim 1 relates to an image taking apparatus comprising a light splitting unit which splits a light flux from an image-taking lens into a plurality of light fluxes, a view finder optical system configured and positioned to observe an object image formed by the light flux from the image-taking lens, an image pickup element which

photoelectrically converts the object image to an electrical signal, and a focus detection unit configured and positioned to detect the focusing state of the image-taking lens according to a phase difference detection system. The light splitting unit changes its state among a first state in which the light flux is directed to the view finder optical system and the focus detection unit, a second state in which the light flux is directed to the image pickup element and the focus detection unit and a third state in which the light flux is directed only to the image pickup element.

Claim 1 has been amended to recite that the light splitting unit has a half mirror and a reflection mirror which prevents an incident light flux from passing through the reflection mirror.

Claim 1 has also been amended to recite that in the first state, the half mirror and the reflection mirror are positioned in an image-taking optical path so that part of the light flux is reflected by the half mirror and directed to the view finder optical system, and the rest of the light flux passes through the half mirror, is reflected by the reflection mirror and directed to the focus detection unit.

Claim 1 has been further amended to recite that in the second state, the reflection mirror is withdrawn from the image-taking optical path and the orientation of the reflecting surface of the half mirror is changed in the image-taking optical path with respect to the first state so that part of the light flux is reflected by the half mirror and directed to the focus detection unit, and the rest of the light flux passes through the half mirror and is directed to the image pickup element.

In addition, Claim 1 has been amended to recite that in the third state, the half mirror and the reflection mirror are withdrawn from the image-taking optical path so that the light flux is directed only to the image pickup element.

By this arrangement:

1) the light splitting unit employs two different types of mirrors: a half mirror; and a reflection mirror that prevents an incident light flux from passing therethrough;

2) both mirrors can be positioned in the image-taking optical path so that part of the light flux is reflected by the half mirror and directed to the view finder optical system, and the rest of the light flux passes through the half mirror, is reflected by the reflection mirror and directed to the focus detection unit in a first state;

3) the reflection mirror can be withdrawn from the image-taking optical path and the orientation of the reflecting surface of the half mirror can be changed so that part of the light flux is reflected by the half mirror and directed to the focus detection unit, and the rest of the light flux passes through the half mirror and is directed to the image pickup element in a second state; and

4) both the half mirror and the reflection mirror can be withdrawn from the image-taking optical path so that the light flux is directed only to the image pickup element.

In other words, the mirror that reflects light to the focus detection unit in the first state — the reflection mirror — can be withdrawn from the image-taking optical path, and the orientation of the reflection surface of the mirror that reflects light to the view finder optical system in the first state — the half mirror — can be changed so that part of the light

flux is reflected and directed to the focus detection unit and the rest of the light flux passes therethrough and is directed to the image pick up element.

In contrast, the citations to Endo and Sakamoto are not understood to disclose or suggest that the mirror reflecting light to the focus detection unit in the first state — the reflection mirror — is withdrawn from the image-taking optical path, and the orientation of the reflection surface of the mirror reflecting light to the view finder optical system in the first state — the half mirror — is changed so that part of the light flux is reflected and directed to the focus detection unit and the rest of the light flux passes therethrough and is directed to the image pick up element, as recited by amended Claim 1.

Rather, in Endo, both mirrors appear to be half mirrors, unlike the recitation in amended Claim 1, and the mirror 11, which is understood to reflect light to the focus detection sensor 31, is not understood to be disclosed to be movable to be withdrawn from the image-taking optical path, as recited by amended Claim 1. In addition, while the mirror 7 is understood to reflect light to the viewfinder 100 and to be movable up and down, as discussed in paragraph [0085], there does not appear to be any disclosure that mirror 7 changes its orientation to reflect light to the focus detection sensor 31.

In Sakamoto, the mirror 50 is understood to be retractable out of the path of the film, to permit light to pass to film without interference, and to be movable to its unretracted state where light reflected therefrom travels to a finder 3, and light passing therethrough is incident on and reflected by mirror 60 to rangefinder 4. Thus, in Sakamoto, the mirror that reflects light to the finder, mirror 50, is not understood to change its orientation to reflect light to a focus detector.

As a result, the citations to Endo and Sakamoto are not understood to disclose or suggest at least one feature of amended Claim 1. Therefore, the Office is not understood to have yet satisfied its burden of proof to establish a prima facie case of obviousness against amended Claim 1. Accordingly, Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicant
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
GMJ/klm

FGHS_WS 2090177v1